IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 4787 of 2001

Between:

1. APSRTC, rep. by its Managing Director,

Mushirabad, Hyderabad.

2. APSRTC, rep. by its Depot Manager, Ananthapur.

..... PETITIONERS

AND

1. S.Rahamathmiah, E.61877, Conductor,

APSRTC Bus Depot, Guntakal, Ananthapur Dist.

2. Industrial Tribunal cum Labour Court, Ananthapur,

rep. by its Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, especially in the nature of a Writ of Certiorari, calling for records, relating to the impugned award dated 18-11-2000 made in I.D.No.88 of 1999, Industrial Tribunal cum Labour Court, Ananthapur setting aside the order of removal dated 9-2-1999 and directing reinstatement of the first respondent into service with continuity of service and attendant benefits, though without back wages; and quash the same as being illegal, without jurisdiction and invalid.

Counsel for Petitioners: MR. K.HARINATH, STANDING COUNSEL FOR APSRTC

Counsel for Respondent No.1: MR. M.GANGA RAO
Counsel for Respondent No.2: GOVERNMENT PLEADER FOR LABOUR

The Court made the following ORDER:

The Andhra Pradesh State Road Transport Corporation (for short, 'the APSRTC'), filed this writ petition, questioning the award dated 18-11-2000 in I.D.No.88 of 1999 passed by the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Anantapur (for short, 'the Tribunal'), wherein the second respondent herein by the aforesaid order allowed the said I.D., directing the writ petitioners to reinstate the first respondent/ workman into service with continuity of service and all attendant benefits but without any back wages and also grant notional increments to the first respondent/workman as usual.

2. It is submitted by the learned Counsel for the first respondent/workman that pursuant to the Award dated
18-11-2000 passed by the Tribunal, the Regional Manager, A.P.S.R.T.C., Anantapur, by his proceedings dated 1-2-2001, while according sanction to implement the Award subject to the result of the writ petition, reinstated the first respondent into service and accordingly, he was reinstated. The first respondent was allowed to retire from service unconditionally on attaining the age of superannuation on 30-6-2004. The first respondent/workman was removed from service on the charges of cash and ticket irregularities. He questioned the removal order passed by the APSRTC in proceedings APSRTC No.97/95(104)/98-ATP, dated
7-2-1999, which was set aside by the Tribunal on 18-11-2000. The Tribunal, on appreciation of the oral and documentary evidence, held that the Management had failed to give reasonable opportunity to the first respondent/workman during the course of disciplinary proceedings and before passing the removal order and for the violation of principles of natural justice, the order of removal is set aside and further held that the penalty of removal is grossly disproportionate to the charges levelled against the first respondent/workman and even if the charges levelled against him are held to be proved, the reasonable punishment will be
with-holding of the back wages alone from the date of suspension till the date of publication of the Award. Therefore, the back wages were denied to the first respondent.

3. On a perusal of the Award of the Tribunal, I am of the view that the order of the Tribunal does not suffer from any incurable defect and as the first respondent/workman was in fact reinstated into service and he was also allowed to retire from service unconditionally, I am of the view that the writ petition is without any merits and by the revision of the pendency of the writ petition, the retiral benefits of the first respondent were not paid.

4. For the aforesaid reasons, the writ petition is dismissed. No order as to costs.

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(V.ESWARAIAH, J)

Dated: 11th October, 2004.

Ak/Shr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Presiding Officer, Industrial Tribunal cum Labour Court,

Ananthapur.

2. Two CCs to the Government Pleader for Labour, High Court

Buildings, Hyderabad (O.U.T).

3. Two CD copies.